

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFREDO HERNANDEZ-AGUILAR,

Defendant.

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8:05CR407

MEMORANDUM AND ORDER

This matter is before the court on defendant Alfredo Hernandez-Aguilar's motion to proceed in forma pauperis, Filing No. [80](#), in order to appeal his denial by this court of his motion to vacate pursuant to 28 U.S.C. § 2255. Filing No. [78](#). The defendant has filed a copy of his prisoner account statement in support of his motion. Filing No. [81](#). The court has reviewed the record and finds the motion should be granted.

THEREFORE, IT IS ORDERED that the defendant Alfredo Hernandez-Aguilar's motion to proceed on appeal in forma pauperis, Filing No. [80](#), is granted.

DATED this 22nd day of September, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge